

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ALAN JOSEPH BAUER; DOUGLAS S. RABIN;  
VIVIAN STEIR RABIN; RODDY TEEPLE;  
ANDREW NEFF; NANCY NEFF; RICHARD  
SANDERS POLIN; TAMMIE PUROW; MIMI  
JANKOVITS; and DAVID GENET,

Plaintiffs,

v.

PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE (HARVARD CORPORATION) and  
THE HONORABLE AND REVEREND THE  
BOARD OF OVERSEERS,<sup>1</sup>

Defendants.

Civil Action No. 1:24-cv-10404-GAO

**ASSENTED-TO MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM**

Pursuant to Local Rule 7.1(b)(3), President and Fellows of Harvard College (“Harvard”) moves for leave to file a fourteen-page reply memorandum in support of its Motion to Dismiss Plaintiffs’ Amended Complaint (Doc No. 25). In support of this request, Harvard states:

1. On June 21, 2024, Plaintiffs filed their Amended Complaint (Doc No. 23). The Amended Complaint asserts six claims sounding in contract, quasi-contract, and tort, many of which are based on two different theories of liability. The Amended Complaint also presents several threshold issues.

2. On July 15, 2024, Harvard filed its Motion to Dismiss Plaintiffs’ Amended Complaint (Doc No. 25) and Memorandum in Support (Doc No. 26).

3. On August 12, 2024, Plaintiffs filed their Opposition (Doc No. 31), which raises novel factual and legal arguments regarding Plaintiffs’ claims against Harvard.

---

<sup>1</sup> The Board of Overseers is not a proper defendant in this action, because it is not a corporate entity independent of President and Fellows of Harvard College.

4. To address these issues, Harvard requests leave to file a fourteen-page reply memorandum. Harvard believes that a reply memorandum will assist this Court in its consideration of the Motion to Dismiss by providing Harvard's response to arguments made in Plaintiffs' Opposition.

5. No party will be prejudiced by allowance of this motion, which will not change any scheduling order or deadline in this case.

6. Harvard has conferred with counsel for Plaintiffs, who assent to the relief requested herein.

Harvard therefore requests that this Court grant it leave to file a fourteen-page reply memorandum in further support of its Motion to Dismiss Plaintiffs' Amended Complaint.

Respectfully submitted,

PRESIDENT AND FELLOWS OF  
HARVARD COLLEGE

By its attorneys,

/s/ Alexandra Arnold  
Alexandra Arnold (BBO #706208)  
aarnold@clohertysteinberg.com  
Daniel J. Cloherty (BBO #565772)  
dcloherty@clohertysteinberg.com  
Victoria L. Steinberg (BBO #666482)  
vsteinberg@clohertysteinberg.com  
CLOHERTY & STEINBERG LLP  
One Financial Center, Suite 1120  
Boston, MA 02111  
617-481-0160

Dated: August 27, 2024

**LOCAL RULE 7.1 CERTIFICATION**

I hereby certify that, in accordance with Local Rule 7.1(a)(2), counsel for Harvard conferred with counsel for Plaintiffs in a good faith effort to resolve or narrow the issues presented in this motion. Plaintiffs assent to the relief sought herein.

*/s/ Alexandra Arnold*  
Alexandra Arnold

**CERTIFICATE OF SERVICE**

I hereby certify that on August 27, 2024, this document was filed through the ECF system and will be sent electronically to the registered participants, as identified on the Notice of Electronic Filing.

*/s/ Alexandra Arnold*  
Alexandra Arnold